

**WASHIZUKA et al.**  
Serial No. 09/675,252  
Response to Office Action dated December 19, 2005

Remarks

Reconsideration and allowance of the subject patent application are respectfully requested.

A Listing of Claims is provided for the Examiner's convenient reference.

Applicants' representative thanks Examiner Patel for the courtesy extended during the telephone interview of March 7, 2006. The substance of the interview is contained in the following remarks.

Claims 2, 16, 17 and 20 were rejected under 35 U.S.C. Section 102(b) as allegedly being "clearly anticipated" by Walker et al. (U.S. Patent No. 5,794,207).

As discussed during the interview, page 2 of the office action indicates that claim 2, for example, is rejected as allegedly being anticipated by Ashby, but makes reference on page 6 to Walker as apparently teaching some aspect of claim 2. If any rejection of claim 2 and its dependent claims 3 and 4 is maintained, Applicants request that new action be issued to clarify the rejection of these claims for the record.

In addition, claims 5, 7, 8 and 11-13 are not identified in the various statements of rejections. However, these claims are addressed in the office action in the general discussion of Ashby and thus, as mentioned during the interview, Applicants have interpreted this to mean that these claims are rejected as allegedly being anticipated by Ashby.

As discussed during the interview, each of the independent claims 16, 17 and 20 makes reference to credit data and acknowledgment data.

Credit data is described by way of example without limitation with reference to Figure 11 of the subject patent application. In this non-limiting example, the credit data includes a credit ID 61, reconciliating means ID 62, reconciliating system information 63, credit data created date 64, accounting application data 65 and additional information 66. As discussed on page 37 of the subject patent application, the additional information contained in the credit data includes, among other things, transaction conditions such as by way of example delivery of products, delivery method, possibility of separate delivery, conditions associated with delivery and price.

Acknowledgment data is described by way of example without limitation with reference to Figure 12 of the subject application. In this non-limiting example, the acknowledgment data

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includes an acknowledgment ID 71, paying means ID 72, buyer ID 73, buyer information 74, acknowledgment data created date 75, credit ID 76, and data specified in credit data 77.

As discussed during the interview, independent claims 16, 17 and 20 call for comparing stored credit data with acknowledgement data received from a buyer terminal and making payment for a product or service when the content of the acknowledgment data satisfies the purchase transaction conditions described in the stored credit data. With reference to the example arrangement shown in Figure 1, the reconciliating means 3 receives acknowledgment data and compares the credit data with the acknowledgment data. When predetermined conditions are met (by way of example, not limitation, when the acknowledgment data satisfies the transaction conditions in the credit data), the reconciliating means 3 sends payment to the claiming means 2 for the purchase. See, e.g., Step S017 in Figure 5 and accompanying description.

Applicant respectfully submits that the comparing and making payment features of claims 16, 17 and 20 are not disclosed by Ashby. In Ashby, payment is made simply according to a signal from a buyer to release money in escrow. There is no description in Ashby that the releasing of money in escrow involves a comparison between stored credit data and acknowledgment data and making a payment when transaction conditions specified in the stored credit data are satisfied.

Because Ashby fails to disclose this feature of claims 16, 17 and 20, Ashby fails to anticipate these claims or the claims that depend therefrom.

Walker is cited in connection with the features of claims 10 and 15. However, Walker fails to remedy the deficiencies of Ashby with respect to claim 20, from which claims 10 and 15. Consequently, these claims are believed to patentably distinguish over the proposed Ashby-Walker combination.

Finally, official notice is taken with respect to the features of claim 14. Here again, such official notice, even if proper, does not remedy the deficiencies of Ashby with respect to claim 20, from which claim 14 depends. Consequently, claim 14 is believed to patentably distinguish over Ashby and the official notice.

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The pending claims are believed to be in condition for allowance and favorable office action is respectfully requested.

Respectfully submitted,  
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